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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|------------------------|------------------|
| 10/023,444 | 12/13/2001 | Klaus Maass | 60,130-1304; 00MRA0192 | 2285 |

26096 7590 07/21/2004
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EXAMINER

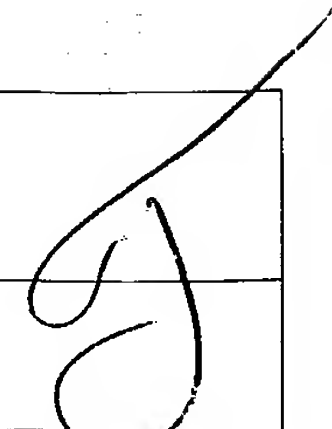
STRIMBU, GREGORY J

ART UNIT PAPER NUMBER

3634

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/023,444 | Applicant(s) MAASS ET AL. | |
| | Examiner Gregory J. Strimbu | Art Unit 3634 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 4 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2004 and 22 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-38 is/are pending in the application.
 4a) Of the above claim(s) 34-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-33 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4/17/02</u> . | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Applicant's election of Group I in the reply filed on April 21, 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Accordingly, claims 34-37 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 21, 2004.

Drawings

The drawing correction filed on December 22, 2003 has been approved. The drawings are objected to because newly presented figure 8 requires cross sectional shading. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as

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per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

It is suggested that the applicant insert --the-- following the first occurrence of "to" on line 5 of the abstract to avoid confusion.

Claim Rejections - 35 USC § 112

Claims 20-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "a window" on line 10 of claim 20 render the claims indefinite because it is unclear if the applicant is referring to the window set forth above or is attempting to set forth another window in addition to the one set forth above. Also see "a drive" on line 1 of claim 21, "a cable" on line 1 of claim 24, "a vehicle window" on line 2 of claim 25, and "a window" on line 1 of claim 32 which present the same 35 USC 112 informality.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20-27, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borchuk et al. in view of Feige et al. Borchuk et al. discloses a cable arrangement assembly for a vehicle comprising a carrier 12 for a cable (W1), the carrier having a first elongate member 20 and a second elongate member 22, the first elongate member transverse to the second elongate member, a first cable guide 36 and a second cable guide 34 mounted to the first elongate member, a third cable guide 36 and a fourth cable guide 34 mounted to the second elongate member, a first guide rail 14 spaced generally parallel to a second guide rail 16, the guide rails mountable to the carrier and for guiding a window and wherein the carrier has a plate for mounting a drive 24 for a window 18, the drive comprises a motor, the cable includes a window cursor 30. Borchuk et al. is silent concerning a seal.

However, Feige et al. discloses a cable arrangement comprising a carrier 6 having a seal 37.

It would have been obvious to one of ordinary skill in the art to provide Borchuk et al. with a seal, as taught by Feige et al., to prevent contaminants from reaching the drive.

Claims 20-30, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakaguchi et al. in view of Kalb et al. Sakaguchi et al. discloses a cable arrangement assembly for a vehicle comprising a carrier 55 for a cable 67, the carrier having a first elongate member 56 and a second elongate member 57, the first elongate member transverse to the second elongate member, a first cable guide 60 and a second cable guide 62 mounted to the first elongate member 56, a third cable guide 63 and a fourth cable guide 61 mounted to the second elongate member, a first guide rail 41 spaced generally parallel to a second guide rail 42, the guide rails mountable to the carrier and for guiding a window 70 and wherein the carrier has a plate for mounting a drive 65 for a window 70, a window cursor 70b, a first cable path 67a, a second cable path 67b, a third cable path 67e and a fourth cable path 67c, a latch mounting plate (not numbered, but seen in figure 1 supporting the latch 51), a door handle mounting plate 44 (see figure 2). Sakaguchi et al. is silent concerning a seal.

However, Kalb et al., in figure 8, discloses a cable arrangement comprising a carrier 1d having a seal 3d.

It would have been obvious to one of ordinary skill in the art to provide Sakaguchi et al. with a seal, as taught by Kalb et al., to prevent containments from reaching the motor.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakaguchi et al. in view of Kalb et al. Sakaguchi et al. discloses a vehicle door module comprising an inner door panel 12 having a window frame 41, 42, 43, 44, the inner door

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panel having an interior side for facing an interior of a vehicle and an exterior side for facing an exterior of the vehicle, a carrier 55 for a cable 67 for supporting a window 70 of the window frame the carrier having a first elongate member 56 and a second elongate member 57, the first elongate member transverse to the second elongate member, a first cable guide 60 and a second cable guide 62 mounted to the first elongate member, a third cable guide 61 and a fourth cable guide 63 mounted to the second elongate member, a first guide rail 41 spaced generally parallel to a second guide rail 42, the guide rails mountable to the carrier and for guiding the window, and wherein the carrier has a plate for mounting a drive 65 for a window. Sakaguchi et al. is silent concerning a seal.

However, Kalb et al., in figure 8, discloses a cable arrangement comprising a carrier 1d having a seal 3d.

It would have been obvious to one of ordinary skill in the art to provide Sakaguchi et al. with a seal, as taught by Kalb et al., to prevent containments from reaching the motor.

Response to Arguments

Applicant's arguments with respect to claims 20-33 and 38 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The applicant presented new claims 20-33 and 38 which necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gregory J. Strimbu
Primary Examiner
Art Unit 3634
July 16, 2004